

Gregory G. Schultz
Jeffrey R. Kuchel
CROWLEY FLECK PLLP
305 South 4th Street East, Suite 100
P.O. Box 7099
Missoula, MT 59807-7099
Telephone: (406) 523-3600
Facsimile: (406) 523-3636
gschultz@crowleyfleck.com
jkuchel@crowleyfleck.com
Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION**

COUNTY OF POWELL, a political subdivision of the State of Montana Plaintiff, v. UNITED STATES OF AMERICA, Defendant.	Cause No.: CV 22-21-H-SEH COUNTY OF POWELL’S RULE 26(a)(1) INITIAL DISCLOSURES
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Plaintiff County of Powell (“Powell County” or “County”), by and through its counsel, hereby serves its initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1).

The individuals, information, and documentation referenced in this document are not intended as a list of witnesses that will be called or exhibits that will be used by Powell County. Powell County may supplement these disclosures if additional individuals, information, or documentation are subsequently discovered. The individuals, information, and documentation referenced in this

document are provided in good faith to comply with the requirements of Federal Rule of Civil Procedure 26(a)(1).

(A) The name, and, if known, the address and telephone number of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses unless solely for impeachment, identifying the subjects of the information:

1. Dan Sager, Commissioner
c/o Gregory Schultz and Jeffrey Kuchel
Crowley Fleck PLLP
305 South 4th Street East, Suite 100
Missoula, MT 59801
(406) 523-3600

Mr. Sager has been a Powell County Commissioner since 2019. He has personal knowledge of the County's public trail project known as the Old Yellowstone Trail, the County's assertion of its rights to County Road No. 9, and the County's official dealings with the Grant-Kohrs Site.

2. Ralph E. Mannix, Jr., Commissioner
c/o Gregory Schultz and Jeffrey Kuchel
Crowley Fleck PLLP
305 South 4th Street East, Suite 100
Missoula, MT 59801
(406) 523-3600

Mr. Mannix has been a Powell County Commissioner for many years. He has personal knowledge of the County's public trail project known as the Old Yellowstone Trail, the County's assertion of its rights to County Road No. 9, and the County's official dealings with the Grant-Kohrs Site.

3. Doug Crachy, Commissioner
c/o Gregory Schultz and Jeffrey Kuchel
Crowley Fleck PLLP
305 South 4th Street East, Suite 100
Missoula, MT 59801
(406) 523-3600

Mr. Crachy has been a Powell County Commissioner since 2019. He has personal knowledge of the County's public trail project known as the Old Yellowstone Trail, the County's assertion of its rights to County Road No. 9, and the County's official dealings with the Grant-Kohrs Site.

4. Kathryn McEnery, Powell County Attorney
c/o Gregory Schultz and Jeffrey Kuchel
Crowley Fleck PLLP
305 South 4th Street East, Suite 100
Missoula, MT 59801
(406) 523-3600

Ms. McEnery has been the duly elected County Attorney for Powell County since 2018. She has personal knowledge of the County's efforts to create that public trail project known as the Old Yellowstone Trail, the design features of the Trail, the County's dealings and negotiations with private landowners regarding the Trail, and the County's dealings and communications with the Grant-Kohrs Site regarding the Trail. She also has knowledge of the County's establishment and current existence of County Road No. 9.

5. Lewis K. Smith, Powell County Attorney (former)
c/o Gregory Schultz and Jeffrey Kuchel
Crowley Fleck PLLP
305 South 4th Street East, Suite 100
Missoula, MT 59801
(406) 523-3600

Mr. Smith is the former Powell County Attorney and immediate predecessor to Ms. McEnery. Mr. Smith has knowledge of the County's initial efforts to establish the public trail project known as the Old Yellowstone Trail and the County's dealings and negotiations with the Grant-Kohrs Site regarding the Trail, and regarding all other matters, during his term of office.

6. Jody Walker, Powell County Clerk and Recorder
c/o Gregory Schultz and Jeffrey Kuchel
Crowley Fleck PLLP
305 South 4th Street East, Suite 100
Missoula, MT 59801
(406) 523-3600

Ms. Walker is the current Clerk and Recorder and Assessor of Powell County. In such capacity, she has all knowledge of documents of public record pertaining to the Grant-Kohrs Site and adjoining real property. She also serves as de facto Secretary to the County Commissioners and, in such capacity, has knowledge of the organization and contents of the records of the County Commissioners.

7. Cele Pohle, Commissioner (former)
c/o Gregory Schultz and Jeffrey Kuchel
Crowley Fleck PLLP
305 South 4th Street East, Suite 100
Missoula, MT 59801
(406) 523-3600

Ms. Pohle is the former Assessor of Powell County from 1987 through 2008 and County Commissioner from 2009 through 2014. Ms. Pohle has knowledge of all communications, dealings, and transactions with the Grant-Kohrs Site during her term as Commissioner.

8. Jonathan Weaver, PE, CFM
Great West Engineering
2501 Belt View Drive
Helena, MT 59601
(406) 449-8627

Mr. Weaver is the lead engineer for the design and construction of the County's Old Yellowstone Trail project. He has personal knowledge of the history of the Trail project, the dealings and negotiations with adjoining private

landowners, and the County's dealings and negotiations with the Grant-Kohrs Site regarding the relevant portion of the Trail project

9. Amanda Cooley, Powell County Planner
c/o Gregory Schultz and Jeffrey Kuchel
Crowley Fleck PLLP
305 South 4th Street East, Suite 100
Missoula, MT 59801
(406) 523-3600

Ms. Cooley is the current Planning Director for Powell County. In such capacity, she has knowledge of the County's public trail project known as the Old Yellowstone Trail, including dealings and negotiations with the Grant-Kohrs Site regarding the Trail during her term as Planner.

10. Scott Hazelton, Powell County Planner (former)
c/o Gregory Schultz and Jeffrey Kuchel
Crowley Fleck PLLP
305 South 4th Street East, Suite 100
Missoula, MT 59801
(406) 523-3600

Mr. Hazelton is the former Planning Director for Powell County. He has knowledge of the County's efforts at establishing the public trail known as the Old Yellowstone Trail and the County's dealings and negotiations with the Grant-Kohrs Site regarding that Trail during his term of office.

11. Carl Hamming, Powell County Planner (former)
c/o Gregory Schultz and Jeffrey Kuchel
Crowley Fleck PLLP
305 South 4th Street East, Suite 100
Missoula, MT 59801
(406) 523-3600

Mr. Hamming is the current Planning Director for Anaconda-Deer Lodge. He is the former Planning Director for Powell County. He has knowledge of the County's dealings and negotiations with the Grant-Kohrs Site regarding the Old Yellowstone Trail during his term of office.

12. Andy Fischer, President, County Parks and Trails Board
c/o Gregory Schultz and Jeffrey Kuchel
Crowley Fleck PLLP
305 South 4th Street East, Suite 100
Missoula, MT 59801
(406) 523-3600

Mr. Fischer is the current President of the Powell County Parks and Trails Board, which is a division of the County's Planning Department. In such capacity, Mr. Fischer has knowledge of the County's efforts to create that public trail system known as the Old Yellowstone Trail, including the County's dealings and negotiations with the Grant-Kohrs Site regarding the Trail.

13. Jacqueline LaVelle, Superintendant of Grant-Kohrs Site
c/o Counsel for Defendant

Ms. LaVelle is believed to be the current or former Superintendent of the Grant-Kohrs Site. She is believed to have knowledge of all communications, dealings, and negotiations with Powell County during her term as Superintendent, including, but not limited to, the existence of County Road No. 9, public use of the pathway of said Road, the County's efforts to create that public trail project known as the Old Yellowstone Trail, and the County's assertion to its right to County Road No. 9.

14. Ted Mizner
801 St. Mary's Ave.
Deer Lodge, MT 59722
(406) 846-1614

Mr. Mizner is an attorney and has served as the Powell County Attorney and a Montana District Judge. He has knowledge of the use of the County Road, the understanding of the status of the County Road, and interactions with prior owners of the property at issue, including Conrad Warren.

15. Powell County may rely on any other individual identified by the Defendant during the course of litigation, or identified by third parties during depositions or discovery, to support its claims or defenses.

(B) A copy of, or a description by category and location of, all documents, data compilations, and tangible things that are in the possession, custody, or control of the party and that the disclosing party may use to support its claims or defenses, unless solely for impeachment.

Produced herewith are documents bates numbered PC-00001–01874, which are generally described, for convenience purposes, as follows:

1. Correspondence to Superintendant Jacqueline Lavelle dated January 15, 2021, and exhibits 1–33 thereto [PC-00001–00099].
2. General Land Office (GLO) surveys, maps, and field notes of thereof, surveys from 1868 and 1869 [PC-00100–00206].
3. 1864 Territory of Montana map [PC-00207].
4. Deer Lodge County 1868 Road Book, Districts 1 and 4 [PC-00208–00213].
5. Powell County Commissioners’ and Road Book Journal pages from 1903, 1907, 2008, 2010 [PC-00214–00228].
6. 1911 Powell County Map [PC-00229–00230].
7. 1921 Letter to County Commissioners [PC-00231–00234].
8. 1921 Survey Map of Deer Lodge and vicinity [PC-00235–00236]
9. 1920 Land Classification survey maps [00237–00243].
10. Recorded deeds for property near or within Grant Kohrs site [PC-00244–00296].
11. USGS aerial photographs taken 1955, 1966, 1976, 1977 [PC-00297–00301].
12. USGS Topographic Maps; Butte, Butte North, Deer Lodge Quad., and Conleys Lake Quad. From 1958, 1961, 1966, 1970, 1980, 1994, 2011, 2020 [PC-00302–00312].
13. Water Resources Survey, Powell County, 1959 [PC-00313-00410].
14. 1977 General Highway Map, Powell County [PC-00411–00414].

15. Historic American Buildings Survey (HABS) MT-39, Grant-Kohrs Ranch, Highway 10, Library of Congress [PC-00415–00431].
16. Water rights documents [PC-00432–00442].
17. National Register of Historic Places Application [PC-00443–00582].
18. National Park Service publications/reports from 2004, 2009, 2014, 2015 [PC-00583–01605].
19. DEQ/TetraTech report, 2015 [PC-01606–01825].
20. Old Yellowstone Trail – Phase 2 map [PC-01826].
21. Correspondence from GKR dated Jan. 27, 2021, with attachments [PC-01827–01877].
22. All records of Deer Lodge County and Powell County which address/ describe the subject County Road, in the possession of and located in the official records of said Counties.
23. Correspondence with representative of the Grant Kohrs Site. Currently in the possession of the Powell County Attorney and Defendant.

(C) A computation of any category of damages claimed by the disclosing party, making available for inspection and copying as under Rule 34 the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered.

Not applicable.

(D) For inspection and copying as under Rule 34 and any insurance agreement under which any person on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

Not applicable.

DATED this 5th day of August, 2022.

CROWLEY FLECK PLLP

By: Jeffrey R. Kuchel
Gregory G. Schultz
Jeffrey R. Kuchel
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on August 5, 2022, the foregoing was served upon the following counsel of record, by the means designated below.

<input type="checkbox"/> U.S. Mail	Mark Steger Smith
<input type="checkbox"/> FedEx	Assistant U.S. Attorney
<input type="checkbox"/> Hand-Delivery	2601 2nd Ave. North, Suite 3200
<input checked="" type="checkbox"/> CM/ECF	Billings, MT 59101
<input checked="" type="checkbox"/> Email	mark.smith3@usdoj.gov

John M. Newman
Assistant U.S. Attorney
101 E. Front St., Suite 401
P.O. Box 8329
Missoula, MT 59807
john.newman@usdoj.gov
Attorneys for Defendant United States

/s/ Jeffrey R. Kuchel
Jeffrey R. Kuchel